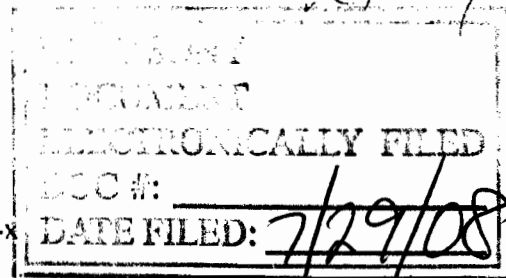


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



EVAN DELAROSA AND MICHAEL ELIGON,

Plaintiffs.

-against-

THE CITY OF NEW YORK, N.Y.C. POLICE OFFICER  
THOMAS GARRITY, SHIELD # 07734, LT.  
THEODORE LAUTERBORN, AND N.Y.C. POLICE  
OFFICER CHRISTOPHER McGee, SHIELD # 21037,  
EACH SUED INDIVIDUALLY AND IN HIS OFFICIAL  
CAPACITY,

Defendants.

STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISCONTINUANCE

07 CV 6562 (GEL)

WHEREAS, plaintiffs commenced this action by filing a complaint on or about  
July 20, 2007 alleging that defendants violated their federal civil and state common law rights;  
and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs'  
allegations; and

WHEREAS, the parties now desire to resolve the issues raised in their litigation,  
without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by  
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and  
without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendants hereby agree to pay plaintiffs the total sum of SEVENTY TWO THOUSAND DOLLARS (\$72,000.00) in full satisfaction of all claims, including claims for costs, expenses and attorney fees, disbursed according to the following schedule:

EVAN DELAROSA	\$46,250.00
MICHAEL ELIGON	\$25,750.00
Total	<b>\$72,000.00</b>

3. In consideration for the payment of these sum, plaintiffs agree to the dismissal of all the claims against the defendants, and to release defendants and any present or former employees or agents of the New York City Police Department and the City of New York, and their successors or assigns, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

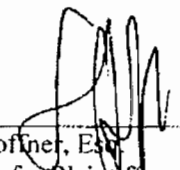
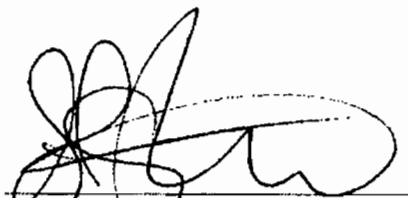
4. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

5. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

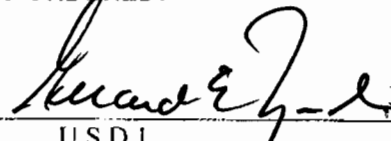
6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
July 16, 2008

  
\_\_\_\_\_  
Steve Hoffner, Esq.  
Attorney for Plaintiffs  
350 Broadway, Suite 1105  
New York, New York 10013  
(212) 941-833  
\_\_\_\_\_  
By: Steve Stavridis, Esq.  
Assistant Corporation Counsel to:  
MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendants THE CITY OF NEW  
YORK, THOMAS GARRITY, THEODORE  
LAUTERBORN and CHRISTOPHER  
MCGEE  
100 Church Street, Room 3-159  
New York, New York 10007  
(212) 788-8698

SO ORDERED:

  
\_\_\_\_\_  
U.S.D.J.  
7/28/08